

App. No. 09/895,471

Amendment Dated: February 27, 2006

Reply to Final Office Action of January 5, 2006

REMARKS/ARGUMENTS

I. Current State of Prosecution

In the Office Action dated April 5, 2005, the Examiner stated that "claims 18-19 and 21-24 would be allowable if rewritten to overcome the rejections under 35 U.S.C. §112, 2nd paragraph, and to include all of the limitations of the base claim and any intervening claims." New claims 33-35 were added in the Amendment dated April 25, 2005. In that amendment, claims 19, 22 and 23 were amended to depend from independent claims 33 and 34, respectively.

The Office Action dated August 18, 2005 rejected claims 19, 22-23 and 33-34 under new grounds. In response, claims 19, 22-23 and 33-34 were amended to clarify the invention.

The current Office Action states that the response to the August 18, 2005 Office Action is moot in view of new grounds of rejection. As set forth herein, claims 19, 22-23 and 33-34 are again amended to clarify the invention. Applicants assert that the claims are in condition for allowance in view of the above amendments and the arguments set forth herein. Applicants respectfully request reconsideration and a Notice of Allowance.

II. Objection to the Specification

The disclosure is objected to because of a typographical error. Applicants assert that the typographical error was corrected in the Response to the August 18, 2005 Office Action. For completeness, the amendment to the specification is reiterated herein. Applicants assert that the objection has been remedied.

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III. Rejection of Claims 19, 22-23 and 33-35 Under 35 U.S.C. §103(a)

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,775,559 issued to Weghorst et al. (hereinafter "Weghorst"). Claims 19, 22-23 and 34-35 are rejected under 35 U.S.C. §103(a) as being unpatentable over Weghorst in view of U.S. Patent No. 6,598,106 issued to Grieshaber et al. (hereinafter "Grieshaber") and U.S. Publication No. 2001/0049263 published to Zhang (hereinafter "Zhang"). Applicants assert that the references may not be modified in the manner propounded. Even though applicants respectfully disagree with the combination of references, the claims have been amended as set forth above to further clarify the invention. Along with other elements in the claim, independent claim 33 includes the following combination of elements that are not taught or otherwise suggested by the cited references:

"a declaration field configured to maintain a declaration, wherein the declaration declares a configuration change to be made on a device that receives the data structure;

a query field configured to maintain a query statement for querying settings, wherein the query field is transformed to a declaration field when the data structure is processed on the device that receives the data structure."

Applicants can find no teaching or suggestion of the above combination of elements in the cited references. Moreover, the amendment of claim 33 does not include new matter. The below citation is not meant to limit the claims in any manner. The below citation is but one example of support for the above amendment that is recited in the specification. The specification recites as follows:

"In accordance with this implementation of the invention, the configuration message 122 is based on a declaratory syntax rather than an instructional syntax. In other words, rather than putting forth statements which request that an action be performed (e.g., "make setting_value = X"), the

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declaratory syntax allows changes to be set forth as declarations of state (e.g., "setting_value = X"). This distinction provides some unforeseen advantages over an instructional syntax, namely that the configuration message 122 essentially describes the state of the affected settings after the provisioning transaction, and may therefore be used as a response document as well. For instance, if the provisioning transaction completes without error, the configuration message may essentially be returned unchanged to indicate the success, with the exception of query statements being modified to reflect the value of the queried setting. This feature greatly simplifies the maintenance of the configuration message throughout the provisioning transaction and simplifies the creation of a response document." *Specification*, at pg. 18, line 30 – pg. 19, line 11.

In view of the above, applicants believe that claim 33 is in condition for allowance.

Applicants respectfully request reconsideration in light of the same. Along with other elements in the claim, independent claims 34 and 35 includes the following combination of elements that are not taught or otherwise suggested by the cited references:

"receiving, by a mobile device, a configuration message, wherein the configuration message has at least one declaration statement that declares a payload, wherein the payload includes a new state of settings for configuring settings on the mobile device"

Applicants assert that the amendment to claims 34 and 35 clarify the configuration message elements of the claims. The Examiner cited to Grieshaber as teaching or suggesting this element. However, Grieshaber teaches a very different type of message. Grieshaber teaches as follows:

"Subsequent to SCSI bus expander 512 responding to the isolation control signal, enclosure monitor 514 receives an isolation state signal from SCSI bus expander 512 indicating that a logical isolation state change has occurred in the SCSI bus expander 512. Similar to both the host request and the isolation control signal, the isolation state signal from SCSI bus expander 512 can take at least two different forms, either a logical isolation state change indication and a logical isolation state declaration. Enclosure monitor 514 then processes the isolation state signal in according to the form of the isolation state signal and then replies to the host. The reply might merely indicate that the logical isolation state of internal SCSI bus 530 has changed. However, the reply might include a

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declaration specifying the new state of state of internal SCSI bus 530."
Grieshaber, at col. 8, lines 11-25.

Succinctly stated, Grieshaber is teaching that a *first device* has a change. *A second device* receives a signal indicating *the change associated with the first device*. This simply is not the case with the present invention. Claims 34 and 35 recite "receiving, *by a mobile device*, a configuration message, wherein the configuration message has *at least one declaration statement* that declares a payload, wherein the payload includes *a new state of settings for configuring settings on the mobile device*." Accordingly, applicants believe that independent claims 34 and 35 are allowable.

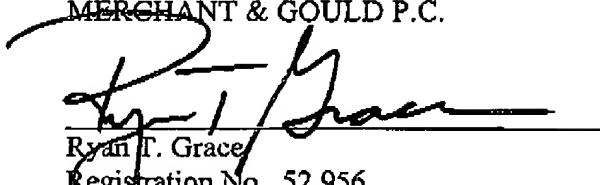
Regarding dependent claims 19, 22 and 23, applicants assert that those claims include elements that are not taught or otherwise suggested by the cited references. Moreover, claims 19, 22 and 23 depend from claims 33 and 34, respectively. Claims 33 and 34 are allowable for the above stated reasons. Accordingly, applicants believe that claims 19, 22 and 23 are allowable for at least those same reasons.

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicants at the telephone number provided below.

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